

**REMARKS/ARGUMENTS**

Claims 1-9 and 11-13 are pending in the application. By this amendment, claim 1 is being amended to improve its form. No new matter is involved.

Entry of this amendment under the provisions of 37 C.F.R. § 1.116 as placing the application in condition for allowance or alternatively in better form for appeal, and reconsideration and allowance in view thereof, are respectfully requested.

The courtesy of a telephone interview granted the undersigned by Examiner Desir on October 9, 2007 is gratefully acknowledged. During that interview, the undersigned discussed briefly the differences between the present invention and U.S. Patent 6,690,805 of Tsuji et al., and then discussed the proposed amendment to claim 1 as set forth above. The Examiner stated that the proposed amendment of claim 1 as read to him over the telephone would appear to place the application in condition for allowance, but a formal amendment should be filed for his consideration. Consequently, Applicant is filing this Response To Final Office Action Under 37 C.F.R. § 1.116.

In paragraph 3 which begins on page 3 of the final Office Action, claims 1, 3-9, 11 and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,690,805 of Tsuji et al. In paragraph 5 which begins at the bottom of page 6 of the final Office Action, claim 2 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuji et al. These rejections are respectfully traversed, particular in view of claim 1 as amended herein.

Briefly stated, the present invention removes noise, and does so by use of the selection circuit 8 in combination with the timer 7, shown in Fig. 1. In contrast, Tsuji performs synthesis and is incapable of removing a large noise pulse in the

manner of the present invention. Tsuji et al. performs synthesis by use of the synthesizer circuit 24 shown in Fig. 64 thereof.

To better emphasize the difference between the synthesis which takes place in Tsuji and the selection which takes place in accordance with the present invention, claim 1 is being amended to recite a timer in the manner of Fig. 1. The timer creates a switching period of time, and when a predetermined switching period of time has passed, the timer automatically returns to its initial state. Tsuji discloses a timer in Fig. 21 thereof, which figure shows a configuration in which an ON/OFF Circuit 20 of Fig. 20 controls an output from a delay circuit to zero. However, in Tsuji, an output signal is always output from an interpolation circuit to the synthesizer circuit, and therefore influences all output results.

In the present invention, an output is selected from an interpolation circuit using a predetermined period of time or timing by a switching signal, and, in a normal state, an output from a delay circuit is outputted.

As amended herein, the combination of claim 1 which defines a noise cancel circuit for removing noise components in an input audio signal which includes "a timer for starting counting in response to an output signal from the noise detection circuit and generating a switching signal during a predetermined period of time while counting is performed". A selection circuit of claim 1 is further defined in terms of "for selecting one of output signals from a delay circuit and the interpolation circuit in accordance with the switching signal, thereby serving to replace the noise portion of said input audio signal with an output signal from said interpolation circuit according to the output signal from said noise detection circuit and outputting a signal subjected to interpolation processing in its noise portion without adding high frequency components removed from the input audio signal".

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As so amended, claim 1 is submitted to clearly distinguish patentably over Tsuji et al.

Claims 2-9 and 11-13 depend, directly or indirectly, from and contain all of the limitations of claim 1, so that such claims are also submitted to clearly distinguish patentably over the cited reference.

In conclusion, claims 1-9 and 11-13 are submitted to clearly distinguish patentably over the prior art for the reasons set forth above. Therefore, entry of this Amendment Under 37 C.F.R. § 1.116 as placing the application in condition for allowance or alternatively in better form for appeal, and reconsideration and allowance in view thereof, are respectfully requested.

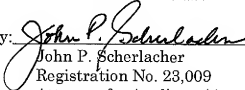
If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

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